

**U.S. District Court  
U.S. District of Minnesota (DMN)  
CIVIL DOCKET FOR CASE #: 0:19-cv-00915-MJD-HB**

Contreras & Metelska, P.A. v. Executive Office for Immigration Review et al  
Assigned to: Judge Michael J. Davis  
Referred to: Magistrate Judge Hildy Bowbeer  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/02/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Contreras & Metelska, P.A.**

represented by **Nicholas Ratkowski**  
Contreras & Metelska, P.A.  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Executive Office for Immigration Review**

represented by **Adam J Hoskins**  
DOJ-USAO  
300 S. 4th St.  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****U.S. Department of Justice**

represented by **Adam J Hoskins**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/02/2019	<u>1</u>	COMPLAINT against All Defendants (filing fee \$ 400, receipt number AMNDC-6777482) filed by Contreras & Metelska, P.A.. <b>Filer requests summons issued.</b> (Attachments: # <u>1</u> Civil Cover Sheet) (Ratkowski, Nicholas) Modified text on 4/3/2019 (JLB). (Entered: 04/02/2019)
04/02/2019	2	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Michael J. Davis per 3rd/4th Master list, referred to Magistrate Judge Hildy Bowbeer. (kt) (Entered: 04/02/2019)
04/02/2019	<u>3</u>	Summons Issued as to Executive Office for Immigration Review, U.S. Department of Justice. (kt) (Entered: 04/02/2019)
04/02/2019	4	TEXT ONLY NOTICE: Magistrate Judge Hildy Bowbeer's Practice Pointers, which have recently been revised, are available on the United States District Court for the District of Minnesota's website ( <a href="http://www.mnd.uscourts.gov">www.mnd.uscourts.gov</a> ). All parties are expected to be familiar with and adhere to these Practice Pointers, including any variances from

		the Local Rules. (JMK) (Entered: 04/02/2019)
04/08/2019	<u>5</u>	NOTICE of Appearance by Adam J Hoskins on behalf of Executive Office for Immigration Review, U.S. Department of Justice. (Hoskins, Adam) (Entered: 04/08/2019)
05/06/2019	<u>6</u>	MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>8</u>	Declaration of Joseph R. Schaaf in Support of <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>9</u>	EXHIBIT G re <u>8</u> Declaration in Support, filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>10</u>	MEET and CONFER STATEMENT re <u>6</u> Motion to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>11</u>	NOTICE OF HEARING ON MOTION <u>6</u> MOTION to Dismiss/General : Date and time to be determined. (Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>12</u>	PROPOSED ORDER TO JUDGE re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/09/2019	<u>13</u>	ORDER REFERRING <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review to Judge Hildy Bowbeer. Signed by Judge Michael J. Davis on 5/9/2019. (GRR) (Entered: 05/09/2019)
05/10/2019	<u>14</u>	TEXT ONLY ORDER: Due to the pending Motion to Dismiss (ECF No. 6), the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motion. Ordered by Magistrate Judge Hildy Bowbeer on 5/10/2019. (JMK) (Entered: 05/10/2019)
05/10/2019	<u>15</u>	ORDER setting Hearing on Motion to Dismiss (ECF No. 6): Motion Hearing set for 6/19/2019 at 09:30 AM in Courtroom 6B (STP) before Magistrate Judge Hildy Bowbeer. Briefing on the motion shall be conducted in accordance with Local Rule 7.1(c) for the District of Minnesota. Signed by Magistrate Judge Hildy Bowbeer on 5/10/2019. (JMK) (Entered: 05/10/2019)
05/14/2019	<u>16</u>	LETTER TO MAGISTRATE JUDGE by Executive Office for Immigration Review, U.S. Department of Justice . (Hoskins, Adam) (Entered: 05/14/2019)
05/15/2019	<u>17</u>	ORDER resetting hearing on Motion to Dismiss (ECF No. 6): Motion Hearing set for 6/28/2019 at 09:30 AM in Courtroom 6B (STP) before Magistrate Judge Hildy Bowbeer. Briefing on the motion shall be conducted in accordance with Local Rule 7.1(c) for the District of Minnesota. Signed by Magistrate Judge Hildy Bowbeer on 5/15/2019. (JMK) (Entered: 05/15/2019)
05/23/2019	<u>18</u>	MEMORANDUM in Opposition re <u>6</u> MOTION to Dismiss/General filed by Contreras & Metelska, P.A..(Ratkowski, Nicholas) (Entered: 05/23/2019)
06/03/2019	<u>19</u>	TEXT ONLY ORDER: Due to the pending Motion to Dismiss (ECF No. 6), the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motion. Ordered by Magistrate Judge Hildy Bowbeer on 6/3/2019. (JMK) (Entered: 06/03/2019)
06/06/2019	<u>20</u>	Reply to Response to Motion re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u>

		LR7.1/LR72.2 Word Count Compliance Certificate)(Hoskins, Adam) (Entered: 06/06/2019)
06/28/2019	<u>21</u>	Minute Entry for proceedings held before Magistrate Judge Hildy Bowbeer: Motion Hearing held on 6/28/2019 re <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review. Motion taken under advisement. A Report and Recommendation will be issued in due course. (Court Reporter Erin Drost) (BDB) (Entered: 06/28/2019)
09/26/2019	<u>22</u>	REPORT AND RECOMMENDATION re <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review. Signed by Magistrate Judge Hildy Bowbeer on 9/26/2019. (JMK) (Entered: 09/26/2019)
10/18/2019	<u>23</u>	ORDER ON REPORT AND RECOMMENDATION. IT IS HEREBY ORDERED that: 1. The Report and Recommendation <u>22</u> is ADOPTED; 2.Defendants' Motion to Dismiss Count I regarding Plaintiff's January 21, 2019 FOIA request is GRANTED, and Count I is DISMISSED WITHOUT PREJUDICE; and 3. Defendants' Motion to Dismiss Count II regarding Plaintiff's March 4, 2019 FOIA request is DENIED. (Written Opinion). Signed by Judge Michael J. Davis on 10/17/2019. (GRR) (Entered: 10/18/2019)